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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/806,679      | 03/23/2004  | Jean M. Dasch        | GP-302977           | 1178             |

7590 04/28/2005

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| EXAMINER |
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TALBOT, MICHAEL

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| ART UNIT | PAPER NUMBER |
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3722

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,679

Applicant(s)

DASCH, JEAN M.

Examiner

Michael W Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 5, line 19, the character reference "cutting site/cutting faces 34,36 interfaces" should be changed to --cutting site/cutting faces 32,34 interfaces--.

Page 6, line 3, the character reference "through hole 28,30" should be changed to --through hole 26,28--.

Page 6, line 4, the character reference "through holes 26 and 30" should be changed to --through holes 26 and 28--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kammermeier et al. '825 in view of Jamison's publication entitled "New Developments in Microporous Polymer Lubricants" dated May 1985. Kammermeier et al. '825 shows in Figure 1 a drill tool for rotational cutting engagement under pressure with a workpiece surface having a rod-shaped body comprising a cutting portion (2) with a cutting surface (7) at one end and an attachment portion (1) at the other end, at least one helical flute (3) extending from cutting surface, at least one hole (10) extending in a helical path along the length of the body and within the body from a first outlet (13) near the cutting edge to a second outlet (8) from the body. Kammermeier et al. '825 lacks the lubricant

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in the holes being an oil-filled polymer comprising a microporous polyethylene matrix and lubricating oil having a composition of oil being more than 50 percent by weight. Kammermeier et al. '825 does however disclose alternate lubricants capable of being used by the invention (col. 12, lines 52-60). Jamison's publication shows in Table 1 on page 275 common polymers, such as polyethylene, used in microporous polymer lubricants having up to 80 percent oil by weight (page 274, right column, lines 12-14 and again on page ). In view of this teaching of Jamison's publication, it would have been obvious to modify the drill tool of Kammermeier et al. '825 to substitute the lubricant with another well-known lubricant used in similar applications as shown by Jamison's publication to provide an integral storage and dispensing means for controlling the lubricant dispersion rate, which in turn will extend the tool life and, where possible, eliminate additional needs for lubricant storage, sealing and pumping means.

Furthermore, Kammermeier et al. '825 disclosure of alternate lubricants capable of being used by the invention (col. 12, lines 52-60) has application within the bearing art as does Jamison's publication entitled "New Developments in Microporous Polymer Lubricants" dated May 1985 (page 274, left column, lines 1-10).

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kammermeier et al. '825 in view of Jamison '925. Kammermeier et al. '825 shows in Figure 1 a drill tool for rotational cutting engagement under pressure with a workpiece surface having a rod-shaped body comprising a cutting portion (2) with a cutting surface (7) at one end and an attachment portion (1) at the other end, at least one helical flute (3) extending from cutting surface, at least one hole (10) extending in a helical path along the length of the body and within the body from a first outlet (13) near the cutting edge to a second outlet (8) from the body. Kammermeier et al. '825 further shows in Figure 5 that the lubricant stored within the hole is filled within a capillary storage

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medium and can be discharged to the cutting surface as a result of the heating operation (col. 8, lines 19-44) and that the source of the lubricant can be solely from the volume stored within the holes (col. 8, lines 44-48). Kammermeier et al. '825 lacks the lubricant being an oil-filled polymer comprising a microporous polyethylene matrix and a lubricating oil. Jamison '925 shows in Figures 1-7 a number of different lubricant-dispensing polyethylene concentrations and their effectiveness to bleed oil to the surface and perform a desired lubricating function. In view of this teaching of Jamison '925, it would have been obvious to modify the drill tool of Kammermeier et al. '825 to substitute the existing capillary storage medium with another well-known lubricant-dispensing medium, polyethylene plastic compositions, as shown by Jamison '925.

3. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Derris Banks, may be reached at 571-272-4419.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 703-872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



Michael W. Talbot  
Examiner  
Art Unit 3722



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